

PATENT  
ATTORNEY DOCKET NO.: 040894-7160

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

) Confirmation No.: 9680

Kazuo HIGUCHI

) Group Art Unit: 3721

Application No.: 10/520,124

) Examiner: N. Chukwurah

Filed: January 3, 2005

)

For: RESIDUAL STAPLE AMOUNT  
DETECTION DEVICE OF ELECTRIC  
STAPLER

)

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Customer Window, Mail Stop Amendment**  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment responding to the Office Action dated October 31, 2006.
2. Additional papers enclosed:

- Drawings:  Formal  Informal (Correction)  
 Information Disclosure Statement  
 Form PTO-1449, \_\_\_\_\_ references included  
 Citations  
 Declaration of Biological Deposit

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months <u>Requested</u>	Fee for Extension	[Fee for Small Entity]
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$0.00.

If an additional extension of time is required, please consider this a Petition therefor.

- An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	8	minus	20	0	x \$50 each=	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	4	minus	3	1	x \$200 each=	+ \$200.00
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$ 0.00
SUB-TOTAL =						\$200.00
Reduction by ½ for filing by a small entity						- \$ 0.00
TOTAL FEE =						\$200.00

6. Fee Payment

- No fee is to be paid at this time.
- Please charge Deposit Account No. 50-0310 the total of \$200.00 for the additional claims fee. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.
- The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

02/02/2007 ATRAN1 00000174 500310 10520124

01 FC:1614 200.00 DA

Respectfully submitted,

MORGAN LEWIS & BOCKIUS LLP

  
By:  
Bradford A. Cangro  
Reg. No. 58,478

Dated: January 31, 2007

By:

CUSTOMER NO. 09629

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**AMENDMENT**

In response to the Office Action dated October 31, 2006, the period for response to which extends through January 31, 2007, please amend the above-identified application as follows: